



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/892,922	06/26/2001	Bret P. O'Rourke	MS1-656US	3848
22801	7590	03/16/2004	EXAMINER	
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			AL HASHEMI, SANA A	
			ART UNIT	PAPER NUMBER
			2171	H

DATE MAILED: 03/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/892,922

Applicant(s)

O'ROURKE ET AL.

Examiner

Sana Al-Hashemi

Art Unit

2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2171

DETAILED ACTION

Claims Status: 1-34 are rejected.

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/2/2003 has been entered.

Applicant's arguments with respect to claims 1-34 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baxter et al. (US Patent No.6,356,903).

Art Unit: 2171

1. Regarding Claims 1, 10, 17, and 24, Baxter discloses a method for a server to provide content to a client, the method comprising:

receiving a request from the client for one or more requested content items (see column 17, lines 6- 8, Baxter);

identifying a data structure that refers to one or more further content items (see column 17, lines 8-10, Baxter) ;

providing the content items referenced by the modified data structure (see column 17, lines 16-18, Baxter); and

Baxter does not disclose the step of modifying the data structure to reference the requested content items. However, Baxter discloses a method of modifying the retrieved content (see column 5, lines 30-36, Baxter). The Examiner takes official notice that it was well known to modify data structure to reference requested content, items. It would have been obvious to one of ordinary skill in the art at the time of the invention to use the method of modifying the retrieved content and apply it to the data structure, and the motivation will be allowing users to modify the requested data according to their needs.

2. Regarding Claims 2, 11, 18, and 25, Baxter discloses a method wherein identifying the data structure, the data structure comprises a playlist¹);

wherein receiving the request, the one or more requested content items comprises streaming media content (see column 5, lines 9-12, Baxter); and

wherein providing the content items further comprises streaming the content items referred to by the playlist (see column 5, lines 31-36, Baxter).

¹ Referring to table 3, URL which identifies the web page corresponds to play list

Art Unit: 2171

3. Regarding Claims 3, 12, 19, and 26, Baxter discloses a method wherein identifying the data structure, the data structure comprises a first Web page specification, and the requested content comprises a second Web page specification (see Fig. 4A, T1, column 6, lines 12- 18, Baxter).
4. Regarding Claims 4, 13, 20, and 27, Baxter discloses a method wherein modifying the data structure further comprises adding a plurality of references to the requested content item in the data structure (see column 6, 21-30, Baxter).
5. Regarding Claims 5, 14, 21, and 28, Baxter discloses a method wherein modifying the data structure further comprises adding a plural number of references to the requested content item in the data structure, the number being indicated by the request (see column 7, lines 57-59, Baxter).
6. Regarding Claims 6, 15, and 22, Baxter discloses a method wherein receiving the request, further comprises receiving a variety of requests from the client, at least one subset of the variety of requests comprising respective requests to one or more different content items (see column 18, lines 14-18, Baxter).
7. Regarding Claims 7, 16, and 23, Baxter discloses a method wherein modifying the data structure, the data structure further comprises a placeholder that identifies a particular point in a sequence where the reference to the requested content is placed (see column 18, lines 2-8, Baxter).
8. Regarding Claims 8, and 29, Baxter discloses a method wherein identifying the data structure further comprises creating the data structure by modifying a base data structure (see column 12, lines 16-28, Baxter).

Art Unit: 2171

9. Regarding Claims 9, and 30, Baxter discloses a method wherein identifying the data structure further comprises creating the data structure copying a base data structure (see column 6, lines 46-53, Baxter).

10. Regarding Claim 31, Baxter discloses sever wherein at least a subset of the received request refer to differing content items (see column 6, lines 4-11, Baxter).

11. Regarding Claim 32, Baxter discloses a computer-readable medium having stored thereon a wrapper data structure comprising:

one or more first data fields, each data field containing data therein representing a respective reference to a set of content items (see Fig 4A, T1, column 7, table 1, Baxter) ;

and

at least one second data field containing data therein representing a respective placeholder to identify a particular point in a sequence of the one or more first data fields where a reference to a set of client requested content is to be inserted (see Fig 4A; T2, table 2, Baxter).

12. Regarding Claim 33, Baxter discloses a computer-readable medium:

wherein the data structure comprises a playlist (see column 5, lines 9-12, Baxter);

and

wherein the content items and the client requested content are streaming media content items that are respectively identified with a Universal Resource Locator (see column 6, lines 17-21, Baxter).

13. Regarding Claim 34, Baxter discloses a computer-readable medium:

wherein the data structure comprises a Web page(see column 2, lines 12-15,

Baxter);

Art Unit: 2171

wherein the content items are a first set of Web page specifications (see column 2, lines 15-19, Baxter); and

wherein the client requested content are one or more second Web page specifications (see column 2, lines 19-24, Baxter).

Response to Amendment


In the response filed March 10, 2004 (paper #11), Applicant has amended claims 1-34 and has presented arguments that are directed to the newly added provisions in these claims. The examiner maintains that Baxter (US Patent No. 6,356,903) still reads on under § 103. all of the claimed subject matter, including the newly added provisions as set forth above in the body of the rejection.

Art Unit: 2171

Points of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to: Sana Al-Hashemi whose telephone number is (703) 305-4881. The examiner can normally be reached on Monday - Friday from 8:00 AM to 4:30 PM.. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (703) 308-1436. Any response to this office action should be mailed to: The Commissioner of Patents and Trademarks, Washington, D.C. 20231. Or telefax at phone number (703) 872-9306. For formal or draft communications, please label "PROPOSED" or "DRAFT". Hand-delivered response should be brought to Crystal Park II, 2121 Crystal Drive, 6th Floor Receptionist, Arlington, Virginia. 22202.

Sana Al-Hashemi
Patent Examiner
Technology Center 2100
March 10, 2004


SAFET METJAHIC
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100